

obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

“(g) DUTIES.—

“(1) EVALUATION AND RECOMMENDATION.—The Council shall—

“(A) evaluate Amtrak’s performance; and

“(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

“(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

“(A) Amtrak’s operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

“(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

“(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

“(3) MONITOR WORK-RULE SAVINGS.—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

“(A) the savings realized as a result of the agreement; and

“(B) how the savings are allocated.

“(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act [Dec. 2, 1997], the Council shall submit to the Congress a report that includes an assessment of—

“(1) Amtrak’s progress on the resolution of productivity issues; or

“(2) the status of those productivity issues, and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

“[SECS. 204, 205. Repealed. Pub. L. 110–432, div. B, title II, § 218(a)(2), Oct. 16, 2008, 122 Stat. 4930.]”

LIMITATION ON USE OF TAX REFUND

Pub. L. 105–134, title II, § 209, Dec. 2, 1997, 111 Stat. 2584, provided that:

“(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997 [Pub. L. 105–34, 26 U.S.C. 172 note]—

“(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or

“(2) to offset other amounts used for any purpose other than the financing of such expenses.

“(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.”

INTERSTATE RAIL COMPACTS

Pub. L. 105–134, title IV, § 410, Dec. 2, 1997, 111 Stat. 2587, provided that:

“(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compact to promote the provision of the service, including—

“(1) retaining an existing service or commencing a new service;

“(2) assembling rights-of-way; and

“(3) performing capital improvements, including—

“(A) the construction and rehabilitation of maintenance facilities;

“(B) the purchase of locomotives; and

“(C) operational improvements, including communications, signals, and other systems.

“(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

“(1) accept contributions from a unit of State or local government or a person;

“(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak);

“(3) on such terms and conditions as the States consider advisable—

“(A) borrow money on a short-term basis and issue notes for the borrowing; and

“(B) issue bonds; and

“(4) obtain financing by other means permitted under Federal or State law.”

DEFINITION

Pub. L. 110–432, div. B, § 3, Oct. 16, 2008, 122 Stat. 4908, provided that: “In this division [see Short Title of 2008 Amendment note set out under section 20101 of this title], the term ‘Secretary’ means the Secretary of Transportation.”

§ 24102. Definitions

In this part—

(1) “auto-ferry transportation” means intercity rail passenger transportation—

(A) of automobiles or recreational vehicles and their occupants; and

(B) when space is available, of used unoccupied vehicles.

(2) “commuter authority” means a State, local, or regional entity established to provide, or make a contract providing for, commuter rail passenger transportation.

(3) “commuter rail passenger transportation” means short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple-ride, and commuter tickets and morning and evening peak period operations.

(4) “intercity rail passenger transportation” means rail passenger transportation, except commuter rail passenger transportation.

(5) “long-distance route” means a route described in subparagraph (C) of paragraph (7).

(6) “National Network” includes long-distance routes and State-supported routes.

(7) “national rail passenger transportation system” means—

(A) the segment of the continuous Northeast Corridor railroad line between Boston, Massachusetts, and Washington, District of Columbia;

(B) rail corridors that have been designated by the Secretary of Transportation as high-speed rail corridors (other than corridors described in subparagraph (A)), but only after regularly scheduled intercity service over a corridor has been established;

(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

- (i) Amtrak; or
 (ii) another rail carrier that receives funds under chapter 229.

(8) “Northeast Corridor” means Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

(9) “rail carrier” means a person, including a unit of State or local government, providing rail transportation for compensation.

(10) “rate” means a rate, fare, or charge for rail transportation.

(11) “regional transportation authority” means an entity established to provide passenger transportation in a region.

(12) “state-of-good-repair” means a condition in which physical assets, both individually and as a system, are—

(A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and

(B) sustained through regular maintenance and replacement programs.

(13) “State-supported route” means a route described in subparagraph (B) or (D) of paragraph (7), or in section 24702, that is operated by Amtrak, excluding those trains operated by Amtrak on the routes described in paragraph (7)(A).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 900; Pub. L. 105-134, title IV, §407, Dec. 2, 1997, 111 Stat. 2586; Pub. L. 110-432, div. B, title II, §201(a), Oct. 16, 2008, 122 Stat. 4909; Pub. L. 114-94, div. A, title XI, §11006(a), Dec. 4, 2015, 129 Stat. 1624; Pub. L. 115-420, §7(b)(3)(A)(i)(I), Jan. 3, 2019, 132 Stat. 5446.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24102(1)	45:502(1).	Oct. 30, 1970, Pub. L. 91-518, §103(1), 84 Stat. 1328; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 538.
	45:502(2).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(2); added Aug. 13, 1981, Pub. L. 97-35, §1173(2), 95 Stat. 689.
	45:502(3).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(3); added Nov. 3, 1973, Pub. L. 93-146, §2(2), 87 Stat. 548; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 538; Aug. 13, 1981, Pub. L. 97-35, §1173(1), 95 Stat. 689; Apr. 7, 1986, Pub. L. 99-272, §4012, 100 Stat. 109.
	45:502(6), (7), (10), (12), (14), (18).	Oct. 30, 1970, Pub. L. 91-518, §103(4)-(7), (10), (12), (14)-(18), 84 Stat. 1328; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 538, 539; Aug. 13, 1981, Pub. L. 97-35, §1173(1), 95 Stat. 689; Oct. 27, 1992, Pub. L. 102-533, §8(1), 106 Stat. 3519.
24102(2)	45:502(4).	
24102(3)	45:502(5).	
24102(4)	45:502(8).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(8), (9); added Aug. 13, 1981, Pub. L. 97-35, §1173(3), 95 Stat. 689.
24102(5)	45:502(9).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24102(6)	45:502(11).	Oct. 30, 1970, Pub. L. 91-518, §103(11), 84 Stat. 1328; Nov. 3, 1973, Pub. L. 93-146, §2(1), 87 Stat. 548; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 539; Aug. 13, 1981, Pub. L. 97-35, §1173(1), (4), 95 Stat. 689.
24102(7)	45:502(13).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(13); added Oct. 27, 1992, Pub. L. 102-533, §8(2), 106 Stat. 3519.
	45:851(c).	Feb. 5, 1976, Pub. L. 94-210, §701(c), 90 Stat. 120.
24102(8)	45:502(14).	
24102(9)	(no source).	
24102(10)	45:502(15).	
24102(11)	45:502(16).	

In clause (1), before subclause (A), the text of 45:502(1), (2), and (10) is omitted as surplus. The text of 45:502(6), (7), (12), (14), and (18) is omitted because the complete names of the Performance Evaluation Center, Interstate Commerce Commission, Railroad Safety System Program, Technical Assistance Panel, and Secretary of Transportation are used the first time the terms appear in a section. The words “characterized by transportation” are omitted as surplus.

In clause (3), the text of 45:502(5)(A) and the words “on and after October 1, 1979” are omitted as obsolete. Reference to 45:564(e) is omitted as obsolete because 45:564(e) was repealed by section 1183(d) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 697).

In clauses (4) and (10), the words “authority, corporation, or other” are omitted as surplus.

In clause (4), the words “and includes the Metropolitan Transportation Authority, the Connecticut Department of Transportation, the Maryland Department of Transportation the Southeastern Pennsylvania Transportation Authority, the New Jersey Transit Corporation, the Massachusetts Bay Transportation Authority, the Port Authority Trans-Hudson Corporation, any successor agencies, and any entity created by one or more such agencies for the purpose of operating” are omitted as surplus.

In clause (5), the words “whether within or across the geographical boundaries of a State” are omitted as surplus.

Clause (9) is added to eliminate repetition of the words “fares or charges” throughout this part.

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in par. (7)(C), is the date of enactment of div. B of Pub. L. 110-432, which was approved Oct. 16, 2008.

AMENDMENTS

2019—Par. (7)(D)(ii). Pub. L. 115-420 substituted “chapter 229” for “chapter 244”.

2015—Pars. (5) to (13). Pub. L. 114-94 added pars. (5), (6), (12), and (13) and redesignated former pars. (5) to (9) as (7) to (11), respectively.

2008—Pars. (2) to (5). Pub. L. 110-432 added par. (5), redesignated former pars. (3) to (5) as (2) to (4), respectively, and struck out former par. (2) which read as follows: “‘basic system’ means the system of intercity rail passenger transportation designated by the Secretary of Transportation under section 4 of the Amtrak Improvement Act of 1978 and approved by Congress, and transportation required to be provided under section 24705(a) of this title and section 4(g) of the Act, including changes in the system or transportation that Amtrak makes using the route and service criteria.”

1997—Pars. (2) to (6). Pub. L. 105-134, §407(1), (2), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) which read as follows:

“‘avoidable loss’ means the avoidable costs of providing rail passenger transportation, less revenue attributable to the transportation, as determined by the Interstate Commerce Commission under section 553 of title 5.”

Par. (7). Pub. L. 105-134, § 407(2), (3), redesignated par. (8) as (7) and inserted “, including a unit of State or local government,” after “means a person”. Former par. (7) redesignated (6).

Pars. (8) to (10). Pub. L. 105-134, § 407(2), redesignated pars. (8) to (10) as (7) to (9), respectively.

Par. (11). Pub. L. 105-134, § 407(1), struck out par. (11) which read as follows: “‘route and service criteria’ means the criteria and procedures for making route and service decisions established under section 404(c)(1)–(3)(A) of the Rail Passenger Service Act.”

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

§ 24103. Enforcement

(a) GENERAL.—(1) Except as provided in paragraph (2) of this subsection, only the Attorney General may bring a civil action for equitable relief in a district court of the United States when Amtrak or a rail carrier—

(A) engages in or adheres to an action, practice, or policy inconsistent with this part or chapter 229;

(B) obstructs or interferes with an activity authorized under this part or chapter 229;

(C) refuses, fails, or neglects to discharge its duties and responsibilities under this part or chapter 229; or

(D) threatens—

(i) to engage in or adhere to an action, practice, or policy inconsistent with this part or chapter 229;

(ii) to obstruct or interfere with an activity authorized by this part or chapter 229; or

(iii) to refuse, fail, or neglect to discharge its duties and responsibilities under this part or chapter 229.

(2) An employee affected by any conduct or threat referred to in paragraph (1) of this subsection, or an authorized employee representative, may bring the civil action if the conduct or threat involves a labor agreement.

(b) REVIEW OF DISCONTINUANCE OR REDUCTION.—A discontinuance of a route, a train, or transportation, or a reduction in the frequency of transportation, by Amtrak is reviewable only in a civil action for equitable relief brought by the Attorney General.

(c) VENUE.—Except as otherwise prohibited by law, a civil action under this section may be brought in the judicial district in which Amtrak or the rail carrier resides or is found.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 901; Pub. L. 115-420, § 7(b)(3)(A)(i)(II), Jan. 3, 2019, 132 Stat. 5447.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24103(a)	45:547(a) (1st sentence less words between 13th–15th commas).	Oct. 30, 1970, Pub. L. 91-518, § 307(a) (1st sentence), (b), 84 Stat. 1333.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24103(b)	45:547(a) (last sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, § 307(a) (last sentence); added Aug. 13, 1981, Pub. L. 97-35, § 1179, 95 Stat. 693.
24103(c)	45:547(a) (1st sentence words between 13th–15th commas), (b).	

In subsections (a) and (b), the words “may bring a civil action”, “may bring the civil action”, and “in a civil action brought by” are substituted for “upon petition of” and “on petition of” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (a)(1), before clause (A), the words “Except as provided in paragraph (2) of this subsection” are added for clarity. The word “only” is added for clarity. See *National Railroad Passenger Corp. et al. v. National Association of Railroad Passengers*, 414 U.S. 453 (1974). In clauses (A) and (D)(i), the words “the policies and purposes of” are omitted as surplus.

In subsection (a)(2), the word “duly” is omitted as surplus.

In subsection (b), the words “in any court” are omitted as surplus.

Subsection (c) is substituted for 45:547(a) (1st sentence words between 13th–15th commas) for consistency in the revised title and with other titles of the United States Code. The text of 45:547(b) is omitted as surplus.

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 115-420 inserted “or chapter 229” after “this part” wherever appearing.

§ 24104. Repealed. Pub. L. 114-94, div. A, title XI, § 11202(c)(2), Dec. 4, 2015, 129 Stat. 1630]

Section, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 902; Pub. L. 105-134, title III, § 301(a), Dec. 2, 1997, 111 Stat. 2585, authorized certain appropriations for the benefit of Amtrak.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

REFORM BOARD

Pub. L. 105-134, title IV, § 411(b), Dec. 2, 1997, 111 Stat. 2589, provided that provisions authorizing certain appropriations shall cease to be effective if the Reform Board had not assumed the responsibilities of the Board of Directors of Amtrak before July 1, 1998.

§ 24105. Repealed. Pub. L. 114-94, div. A, title XI, § 11301(c)(2), Dec. 4, 2015, 129 Stat. 1648]

Section, Pub. L. 110-432, div. B, title III, § 302(a), Oct. 16, 2008, 122 Stat. 4947, related to congestion grants.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

CHAPTER 242—PROJECT DELIVERY

Sec.

24201. Efficient environmental reviews.

24202. Railroad rights-of-way.

AMENDMENTS

2015—Pub. L. 114-94, div. A, title XI, §§ 11503(a), 11504(b), Dec. 4, 2015, 129 Stat. 1691, 1693, added chapter 242 and items 24201 and 24202.